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# Letter dated 12 February 2016 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

I have the honour to draw your attention to the fact that, for several months, the Rwandan Government has been recruiting by force and providing military training and equipment to Burundian refugees, including children below the age of 18 in refugee camps in Rwanda, with the aim of destabilizing Burundi and its democratically elected institutions.

Recruiting vulnerable refugees by force and providing them with military training and equipment is a flagrant violation of the 28 July 1951 Convention relating to the Status of Refugees, which, as you know, is the key document for the protection of refugees.

The forced recruitment of Burundian refugees for military purposes by the Rwandan Government with the aim of destabilizing their country of origin is also a clear violation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa, Ethiopia on 24 February 2013, which the United Nations Secretary-General also signed as a witness. Article 5 of the Framework stipulates, inter alia, that the countries of the region made a commitment:

- Not to interfere in the internal affairs of neighbouring countries;
- To neither tolerate nor provide assistance or support of any kind to armed groups;
- To respect the sovereignty and territorial integrity of neighbouring countries;
- To respect the legitimate concerns and interests of the neighbouring countries, in particular regarding security matters;
- To neither harbour nor provide protection of any kind to persons accused of war crimes, crimes against humanity or crimes of aggression, or persons falling under the United Nations sanctions regime;
- To facilitate the administration of justice through judicial cooperation within the region.

The forced recruitment of Burundian refugees below the age of 18 for military purposes by the Rwandan Government with the aim of destabilizing their country of origin also violates the 1989 Convention on the Rights of the Child, which is one of



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the international legal instruments for the promotion and protection of human rights and which is intended to protect the rights of all children worldwide.

Burundi welcomes the fact that the Security Council today has at its disposal credible and varied reports, including the reports of the Group of Experts on the Democratic Republic of the Congo and of the non-governmental organization Refugees International, concerning the bellicose conduct of the Rwandan Government, which could destabilize not only Burundi but also the entire Great Lakes region.

In the light of this situation, which threatens international peace and security, an area that falls under the exclusive jurisdiction of the Security Council, the Council has the responsibility to take up the matter without delay and to take appropriate action to ensure that the Rwandan Government does not engage in any act designed to destabilize Burundi and to violate the above-mentioned regional and international instruments which it has signed.

It should be recalled that the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region also made reference to the commitment of the international community, including the Security Council, which "would remain seized of the importance of supporting the long-term stability of the Democratic Republic of the Congo and the Great Lakes region", and to the "appointment of a United Nations special envoy to support efforts to reach durable solutions in a multi-track plan that allows the convergence of all initiatives in progress".

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Albert **Shingiro**
Permanent Representative of Burundi to the United Nations

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# Report of the Secretary-General on South Sudan

**(covering the period from 10 November 2015 to 2 February 2016)**

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2252 (2015), by which the Council extended the mandate of the United Nations Mission in South Sudan (UNMISS) until 31 July 2016 and requested me to report on the implementation of the mandate every 60 days. The present report provides an update to my previous report dated 23 November 2015 (S/2015/902) and covers developments from 10 November 2015 to 2 February 2016.

## II. Political developments

2. While there have been some positive developments in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, mainly through the efforts of the Chair of the Joint Monitoring and Evaluation Commission, the former President of Botswana, Festus Mogae, progress has been slow and continues to face significant challenges.

### South Sudan peace process

3. On 21 December, following a series of negotiations facilitated by the Chair of the Joint Monitoring and Evaluation Commission and international partners, the first group of 163 members of the Sudan People's Liberation Movement/Army in Opposition (SPLM/A in Opposition) advance team, led by the chief negotiator and head of delegation, Taban Deng Gai, arrived in Juba on two flights from Pagak, Upper Nile State. A second group of 78 members arrived in Juba on 31 December, bringing the total number in Juba to 241.

4. The inaugural meeting of the Joint Monitoring and Evaluation Commission, convened on 27 November, was attended only by the Government and the former political detainees, with the exception of the reinstated SPLM Secretary-General, Pagan Amum. Nevertheless, following the arrival of the SPLM/A in Opposition team, the first meeting of the Commission attended by both parties to the conflict was held on 22 December. Since then, the Commission has met twice, on 12 January and 2 February. Based on the proposed timetable of the Commission, inaugural meetings of the Joint Military Ceasefire Commission, the National Constitutional



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Amendment Committee and the Ceasefire and Transitional Security Arrangements Monitoring Mechanism were held on 23 and 24 December. Paragraphs 56 to 58 below provide more information on progress made towards the operationalization of these institutions of the transition.

5. On 7 January, the President, Salva Kiir, appointed the 50 additional Members of Parliament nominated by SPLM/A in Opposition to serve in the Transitional National Legislative Assembly. On the same date, the parties agreed on the allocation of ministerial and deputy ministerial portfolios in the Transitional Government of National Unity. On 12 January, at the third meeting of the Joint Monitoring and Evaluation Commission, the Government and SPLM/A in Opposition agreed to nominate ministers two days later.

6. However, the dispute over the President's order to create 28 states undermined this momentum, and the Transitional Government of National Unity was not formed by 22 January as envisaged in the timetable of the Joint Monitoring and Evaluation Commission. On 13 January, the SPLM/A in Opposition leader, Riek Machar, sent a letter addressed to the Chair of the Commission in which he indicated that the 28-state structure was a violation of the peace agreement and would delay its implementation. On 19 November, at a joint session, the Transitional National Legislative Assembly and the Council of States approved constitutional amendments removing all references to South Sudan as comprising a specific number of states and granting the President powers to appoint governors and members of state legislative assemblies. On 15 December, the amendments were passed by the Council of States and, on 24 December, two presidential decrees were issued dismissing 10 state and caretaker governors and appointing 28 new governors. SPLM/A in Opposition, the former political detainees and the national alliance of opposition political parties all expressed concern about the creation of 28 states and the appointment of new governors, and about the potential impact on the implementation of the peace agreement.

7. On 19 January, 38 members of the SPLM/A in Opposition advance team travelled to Pagak to participate in consultations convened by its leadership on 20 and 21 January. In a statement issued after the consultations, on 22 January, SPLM/A in Opposition reiterated its position that the terms of the peace agreement, which is premised on the existence of 10 states, should be upheld. Two days later, the chief negotiator of SPLM/A in Opposition added that should the Government fail to reconsider its decision with regard to the 28 states, SPLM/A in Opposition would refer the matter to the mediators and the Joint Monitoring and Evaluation Commission to make a decision or to report it to the African Union Peace and Security Council and the Security Council.

8. To address the impasse, on 30 and 31 January, Ministers for Foreign Affairs attended the fifty-fifth extraordinary session of the Council of Ministers of the Intergovernmental Authority on Development (IGAD), held on the sidelines of the African Union Summit in Addis Ababa. The Chair of the Joint Monitoring and Evaluation Commission reported on the progress made in the implementation of the peace agreement and called upon the African Union Peace and Security Council and the Security Council to underscore their commitment to supporting the Commission and the peace agreement.

9. The IGAD Council of Ministers subsequently released a communiqué in which it urged the formation of the Transitional Government of National Unity without

further delay and the implementation of transitional security arrangements, and called upon the Government of South Sudan to suspend the operationalization of new states until an inclusive and participatory national boundary commission could complete a review of the proposed states and their boundaries. Two days later, the African Union Peace and Security Council, which had met at the level of Heads of State and Government, endorsed the IGAD recommendation on South Sudan. The Chair of the Joint Monitoring and Evaluation Commission briefed the Peace and Security Council and stated that the peace agreement risked becoming ineffectual in restoring long-term peace and stability without concerted efforts by the parties and the international community to urgently address the situation. He called for decisive action, both by the parties and by the international guarantors and friends of South Sudan.

10. On 2 February, at its fourth meeting, the Joint Monitoring and Evaluation Commission endorsed the decision of the IGAD Council of Ministers and decided on the sequence for the operationalization of the transitional security arrangements. All the South Sudanese partners in the peace process, including the Government, SPLM/A in Opposition, the former political detainees and the national alliance of political parties not aligned to the Government, have since issued public statements endorsing the IGAD communiqué.

**Other political developments**

11. Following the decision in mid-October by the National Liberation Council of SPLM to dissolve the general secretariat of the party, the President, in his capacity as Chair of SPLM, restructured and reconstituted the secretariat staff in November. From 7 to 9 January, SPLM held an extraordinary national convention, at which delegates reviewed reforms agreed as a result of the intra-SPLM dialogue and adopted an amended party constitution and manifesto. SPLM/A in Opposition and the former political detainees were represented, as well as Chama Cha Mapinduzi and the African National Congress, the Tanzanian and South African co-guarantors of the Agreement on the Reunification of the Sudan People's Liberation Movement (Arusha Agreement). However, in a statement on 9 January, SPLM/A in Opposition noted that reunification of the party remained incomplete and that it was studying the party constitution to formulate its position.

12. On 8 January, SPLM for Democratic Change, the main opposition party in Parliament, changed its name to the Democratic Change Party. On 11 January, the leader of the Cobra faction of the South Sudan Democratic Movement/South Sudan Defence Army, David Yau Yau, officially joined SPLM. Further to the announcement on a registration process by the Political Parties Council in October, nine political parties submitted their documents to the Council for registration.

**Economic developments**

13. Following a statement by the Minister of Finance and Economic Planning, the fixed official exchange rate of 2.96 South Sudanese pounds to the United States dollar was replaced at midnight on 15 December by a floating exchange rate. Since then, the rate has moved from an initial 18.50 pounds to 21.00 pounds to the dollar. In addition, the Government introduced a number of economic reforms, including a gradual reduction of fuel subsidies and an increase in customs rates. However, South Sudan continued significant deficit spending owing to reduced oil revenues

and global oil prices. Inflation surpassed 100 per cent in January, affecting trade and commodity prices and fuel and water availability. The economic climate seems to have exacerbated the food insecurity in the country.

## III. Security situation

14. Although the greater Upper Nile region was previously the centre of violence and insecurity in the conflict, new patterns are now emerging, particularly in Western Equatoria and Western Bahr el-Ghazal States.

### Greater Upper Nile region

15. The situation in Unity State remained tense in November, with fighting between government and opposition forces, primarily in Rubkona, Koch and Leer Counties. In mid-November, fighting broke out in Gandor, Lual, Bieh and Both, in Leer County, resulting in 18 fatalities. On 16 November, there was fighting between government and opposition forces in Nhialdiu, Rubkona County. On 26 November, armed youth from Koch County reportedly attacked several villages around Gandor. Since early in December, the security situation has been relatively calm because of local agreements between government and opposition officials.

16. In Upper Nile State, government forces maintained their positions on the west bank of the Nile at Lelo, Warjok and Ditang. On 24 and 25 November, government forces reportedly attacked opposition positions in Panyikang County, including near Tonga, at Owachi and Tukernyang, as well as in Khorfulus, in northern Jonglei State. Early in December, government forces in Panyikang County reportedly moved south across the Sobat River in Marian, on the border with Jonglei State, and positioned more soldiers and heavy equipment on the west bank of the Nile.

17. The situation in Jonglei State, particularly in the town of Pibor, deteriorated at the end of December following the appointment of the former Deputy Governor of Jonglei State as Governor of the proposed new Boma State. Late in January, the Governor of Boma State issued a directive dismissing the Acting Chief Administrator of the Greater Pibor Administrative Area, which increased tensions within the Cobra faction of the South Sudan Democratic Movement/South Sudan Defence Army and the Murle community, fuelling insecurity in the town of Pibor and causing civilians to flee.

### Greater Equatoria region

18. In Western Equatoria State, tensions remained high, with ongoing clashes reported in several areas between government forces and armed groups, including the Arrow Boys, the South Sudan National Liberation Movement and the South Sudan People's Patriotic Front. Since the end of November, there has been an upsurge in clashes between government forces and armed youth in Ezo, Tambura and Yambio Counties, resulting in an unspecified number of casualties and a large number of displacements (see para. 41 for additional information). The situation in Yambio County has remained volatile, with continued reports of armed robbery, killings and abductions, including several attacks against South Sudan National Police Service officers. On 21 January, heavy fighting occurred between government forces and armed youth of the South Sudan National Liberation Movement in Yambio, in which at least 15 people were killed and more than 7,000

civilians sought shelter in a non-governmental organization compound next to the UNMISS base. Efforts by the Government to conclude peace agreements with the armed groups continued. Although the conflict and insecurity in the region are not necessarily linked to the conflict at the national level at this stage, they pose a serious risk of further degradation of security conditions and the proliferation of insecurity across the country.

19. In Eastern Equatoria State, there were tensions in mid-November in Ikotos following fighting between government forces and youth, allegedly triggered by a search operation by government forces. Several ambushes carried out by unknown gunmen in military uniform were reported on the Juba-Nimule and Juba-Torit roads, resulting in at least 18 casualties, including 7 deaths. Meanwhile, in Central Equatoria State, tensions rose in Lobonok Payam, Juba County, following skirmishes between Dinka cattle keepers, with reports of raids, killings and abductions in mid-January.

**Greater Bahr el-Ghazal region**

20. The situation in Western Bahr el-Ghazal State deteriorated considerably during the reporting period. Since 30 November, there have been multiple reports of armed groups with alleged links to SPLM/A in Opposition launching attacks on payams to the west of Wau and in proximity to the town itself. Fatalities were reported among both the armed groups and government soldiers in Farajallah and Mboro. Government forces commenced air strikes on 6 December and sent ground reinforcements to Wau from Juba and neighbouring Warrap and Northern Bahr el-Ghazal States, targeting the areas of Bisellia, Bagari and Bazia Payams in Wau County. Although the clashes had ended by 9 December, the situation around the town of Wau remained tense. Approximately 17,000 internally displaced persons have been registered in Wau, while an unknown number are hiding in the bush. Meanwhile, the National Internal Security Service and government forces restricted UNMISS movements to the town of Wau and its immediate vicinity on several occasions.

21. In Warrap State, conflict over access to grazing lands in the border area of Tonj East County resulted in the burning of villages, civilian displacement and 94 deaths. In Lakes State, in two separate incidents, on 5 and 6 January, there was fighting between the Waat and Panyar sections of the Dinka Ngok in Cuiebet County, resulting in 62 casualties. Meanwhile, the signing of a peace agreement in December allowed youth from the Ruop and Kuei Dinka Agar subclans to move freely in their respective territories for the first time in six years. However, the situation remains volatile and will require the ongoing support of community members and state authorities.

## IV. Humanitarian situation

22. More than 2.3 million persons are currently displaced by the conflict, comprising 1.69 million who are internally displaced, more than 199,000 of whom are residing in six UNMISS protection of civilians sites, and 648,719 who are seeking refuge in neighbouring countries. Since November, thousands have fled the fighting in Western Equatoria State, including at least 15,000 who have crossed international borders.

23. The latest Integrated Food Security Phase Classification (IPC) assessment, of September 2015, showed a significant increase in severe food insecurity and malnutrition compared with 2014; more than 3.9 million people face severe food insecurity across the country. As at October 2015, an estimated 40,000 people in southern Unity State were believed to be facing an extreme lack of food, leading to destitution, starvation and death (IPC phase 5). In addition to further deterioration for the most vulnerable, food insecurity spread to areas previously considered relatively food secure, including the greater Equatoria region and Lakes, Northern Bahr el-Ghazal and Warrap States.

24. Preventable diseases continued to spread, causing illness and death. Malaria, with more than 2 million cases, was the main cause of death reported during 2015 (1,340 deaths). There were five confirmed outbreaks of measles in 2015, in the protection of civilians sites in Bentiu and Juba and in Duk, Wulu and Yei. Conflict, displacement and inaccessibility continued to frustrate efforts to ensure vaccination coverage; only 6 out of 79 counties in South Sudan have the requisite minimum of 80 per cent measles vaccination coverage, while 26 have less than 20 per cent coverage, mostly in the greater Upper Nile region. In 2015, more than 230,000 vaccinations were conducted in the hardest-to-reach areas through rapid response missions. However, an estimated 400,000 children under five years of age remain at risk.

25. The operating environment for humanitarian actors continues to be extremely challenging. Overall, there were 909 reported humanitarian access incidents in 2015, up from 779 in 2014. Of the access incidents reported in 2015, 516 involved violence against humanitarian personnel or assets, up from 466 such incidents in 2014. Violence against humanitarian workers and facilities continued, with at least 43 aid workers killed and many more missing or injured since the conflict began in December 2013. The insecurity faced by humanitarian actors in Juba is causing a substantial loss of assets and undermining the operations of aid organizations. In 2015, a total of 123 armed robberies occurred nationwide in the compounds of non-governmental organizations, and a further 11 such incidents have been reported since January 2016.

26. Despite these challenging conditions, by the end of November 2015, humanitarian personnel had provided aid to more than 4.4 million people across South Sudan, including in some of the most remote locations. Following intensive negotiations on access and some improvements in security, including through the UNMISS military presence, humanitarian actors re-established a presence in Leer and Thonyor early in December, providing food and survival kits, such as mosquito nets and kitchen sets, to more than 31,500 people, as well as life-saving birth delivery kits, and conducting health consultations, repairing boreholes, establishing nutritional programmes and undertaking protection activities.

27. Humanitarian actors also focused on dry-season planning, especially the pre-positioning of supplies ahead of the rainy season. An estimated 75,000 tons of supplies will need to be moved by road in the three-month period to the end of April 2016. Insecurity, particularly on one of the major supply routes through Western Equatoria State, could significantly affect the pre-positioning.

28. Under the 2016 South Sudan humanitarian response plan, released in January, humanitarian partners will require $1.31 billion to respond to the most life-

threatening needs of 5.1 million people out of an estimated 6.1 million in need of protection and assistance across South Sudan.

# V. Implementation of the Mission's reprioritized mandated task

## A. Protection of civilians

29. In implementing its protection of civilians mandate, UNMISS continued to follow a three-tiered approach. Under tier one, protection through dialogue and engagement, the good offices of the Secretary-General were employed in a range of ways. UNMISS held a total of 122 meetings with state and local authorities, civil society and other actors to promote dialogue, peace and reconciliation. Some of these anticipated the return of SPLM/A in Opposition representatives to the states and promoted the engagement of local actors and stakeholders in the peace process. UNMISS held 27 conflict management workshops for state and traditional authorities, community and faith-based leaders, women, youth, teachers, students, cattle keepers and internally displaced persons inside and outside protection of civilians sites.

30. In Western Bahr el-Ghazal and Central Equatoria States, UNMISS held three workshops promoting women's involvement in community dialogue, while in Lakes State, UNMISS supported peace campaign activities initiated by the Dinka youth union to help to resolve conflict between the Ruop, Kuei and Pakam clans. In Tonj East County, Warrap State, UNMISS supported a plan led by the local government to promote peace. In mid-November, UNMISS supported the participation of religious leaders from Juba and Yambio in the brokering of an agreement to de-escalate violence between the community and government forces in Mundri, Western Equatoria State. Both sides committed themselves to ending hostilities. Also in Western Equatoria State, UNMISS continued to support the local peace process between the South Sudan National Liberation Movement and the Government. In Jonglei State, UNMISS continued its engagement with key stakeholders to access early warning information and help to assess options for the peaceful resolution of ongoing tensions.

31. The good offices of the Secretary-General were utilized intensively by my Special Representative for South Sudan and the Mission leadership to urge the parties at both the local and the national levels to stop the fighting and for the protection of civilians.

32. Under tier two, provision of physical protection, more than 199,000 internally displaced persons continue to receive physical protection within the six UNMISS protection of civilians sites. As at 28 January, there were more than 122,000 in Bentiu (Unity State), just under 28,000 in Juba (Central Equatoria State) and more than 45,000 in Malakal (Upper Nile State). During the reporting period, an increase of around 22,000 internally displaced persons was recorded at the Bentiu site owing to continued armed violence in central and southern Unity State. This resulted in increased physical protection and humanitarian needs, including as a result of food shortages in central Unity State. At the same time, some of the displaced persons voluntarily left sites in Unity and Upper Nile States because of security improvements or to travel to the Sudan.

33. Pursuant to resolution 2252 (2015), UNMISS has intensified its presence in areas with continued high risk of conflict and with high concentrations of internally displaced persons through 4,437 short-duration, 545 long-duration, 33 dynamic air and 15 riverine patrols since November. Operation Unity 2 led to the establishment of temporary operating bases in Leer, Unity State, aimed at deterring violence and facilitating the delivery of humanitarian aid. The bases have facilitated a significant increase in patrolling throughout the area. There have been no reports of attacks by armed groups targeting aid recipients during or after food distribution, which reached more than 45,000 recipients in Leer and Thonyor in December. UNMISS continues to mitigate external security threats to residents of protection of civilians sites through targeted patrolling, providing a degree of safety around the sites, including for women and girls leaving the sites for livelihood activities.

34. Intercommunal tensions and violence, including sexual and gender-based violence, and other security incidents continued to be reported at and around the protection of civilians sites. During the reporting period, 531 security incidents were reported at the sites, including of armed robbery, murder, death threats, abduction, shooting, explosions, fires, domestic violence, rape, armed incursions and threats against humanitarian and UNMISS staff. Four UNMISS police personnel were injured while undertaking activities to maintain public safety and security at the sites in Bentiu, Bor and Malakal. In an effort to mitigate such incidents, UNMISS, through community policing programmes, pursued an integrated approach, in close collaboration with community watch groups, through the conduct of communal dialogues, public order patrols and rapid emergency and incident response. UNMISS police personnel also conducted daily search operations for prohibited items, such as weapons and contraband, that could lead to insecurity.

35. UNMISS continued to operate three holding facilities at the protection of civilians sites in Juba, Bentiu and Malakal for perpetrators of incidents undermining public security at the sites. As at 2 February, 37 persons were being held. The holding facility at the Bor site was decommissioned in December because the public security situation there no longer warranted a holding facility. According to the agreed framework, UNMISS transfers individuals suspected of having committed serious crimes at the protection of civilians sites to the national authorities. On 2 January, UNMISS handed over one suspect from the Juba facility to the national police. During the reporting period, 11 additional individuals deemed security risks were excluded from all protection of civilians sites. In all cases, UNMISS carried out a detailed human rights risk assessment to confirm that the individuals were not under threat of harm outside the sites.

36. As an integral part of the Mission, the Mine Action Service deployed 43 mine action teams to survey and clear roads, airstrips and helicopter landing sites, enabling security and humanitarian access. During the reporting period, 637 km of roads were surveyed and cleared, including the Bentiu-Mayom road, which allowed UNMISS to complete road rehabilitation and enabled the safe passage of UNMISS supply and fuel convoys necessary to ensure the functioning of the UNMISS base in Bentiu. From 10 November to 25 January, the Service cleared 4,194,396 $m^2$ of land and destroyed 441 landmines, 4,002 explosive remnants of war and 14,657 small arms and rounds of ammunition. To protect civilians from explosive remnants of war, the Service provided risk education to 80,410 civilians (25,512 boys, 21,072 girls, 17,185 men and 16,641 women). A further 419 UNMISS staff and humanitarian workers received landmine safety briefings. Since December 2015, the

Service has investigated six accidents, including one resulting from unexploded ordnance that killed an adult male in Terakeka, Central Equatoria State, and one incident outside the Malakal protection of civilians site in which six people were killed. A further incident at the site brought the total number of injured civilians to 23.

37. Under tier three, establishment of a protective environment, UNMISS participated in joint efforts with United Nations country team protection partners to conduct intention surveys for the return or relocation of displaced populations. Preliminary results from the six protection of civilians sites showed that displaced persons identify security and access to food and health-care services as key factors that could enable a return to peaceful coexistence within preferred areas of return or relocation. The results also indicated that displaced persons welcome the peace agreement and its implementation. Some showed willingness to return or relocate to preferred areas should they be supported with start-up packages. On the basis of these findings, the Mission is coordinating with partners to develop a joint action plan to create the conditions for sustainable return, relocation and reintegration.

## B. Monitoring and investigating human rights

38. UNMISS continued to investigate reports of violations of international human rights and humanitarian law, as well as human rights abuses, in connection with the conflict. On 21 January, UNMISS and the Office of the United Nations High Commissioner for Human Rights jointly issued a report entitled "The state of human rights in the protracted conflict in South Sudan". The report presented the findings that widespread human rights violations and abuses have been committed by all parties to the conflict, including hundreds of extrajudicial killings, forced disappearances, sexual violence, forced recruitment and indiscriminate attacks against civilians, and that the parties have intentionally attacked traditional safe havens, including places of worship, hospitals and even United Nations bases.

39. In Unity State, the stabilization of the security situation and a reduction in attacks on civilians since early in December has allowed UNMISS to conduct human rights monitoring visits in the central and southern counties. These included a mission to opposition-held Buaw, in Koch County, where the county commissioner reported that most civilians had fled to the UNMISS protection of civilians site in Bentiu or to the bush. UNMISS continued to investigate reports that more than 50 civilians (all male, and at least one boy) died in the town of Leer late in October after being rounded up by government forces and locked in a container. The exact circumstances and whether the deaths were caused intentionally, remain unclear, although the account of a survivor suggests that the victims died of suffocation.

40. In Upper Nile State, security improvements allowed UNMISS to resume missions late in November to areas it had not visited since early in 2015. In Malakal, there have been continued reports of the harassment, detention and abduction of displaced persons from the Shilluk community between the river and the protection of civilians site. On 21 December, five Shilluk persons were reportedly arrested on suspicion of supplying goods to SPLM/A in Opposition and were detained and beaten at the government barracks before being transferred to the national police and released on 30 December. In another incident on 21 December, four Shilluk youths were reportedly abducted at gunpoint outside a gate to the

protection site. On 26 December, a government soldier summoned nine women who had gone to collect firewood near the protection site. Three of the women reportedly fled, but the whereabouts of the other six remain unknown. On 21 January, government forces reportedly detained an internally displaced Shilluk woman outside the protection site on suspicion of fighting for the opposition, first at the Malakal detention centre and later at the government barracks, before releasing her to UNMISS on 26 January.

41. In the Equatorias, there were continued reports of human rights violations, particularly in Western Equatoria State. Following the outbreak of violence in Ezo between armed youths and government forces on 17 November, civilians fled to the bush. A woman national police officer was reportedly killed in the clashes, and government soldiers allegedly shot dead two children. On 20 November, UNMISS extracted 25 humanitarian workers from a humanitarian agency compound in Ezo. On 21 November, five people were reportedly detained by the National Internal Security Service in Yambio on suspicion of supporting armed youths there. Following reports of heavy fighting in the town of Yambio on 7 and 8 December, civilians sought refuge in a non-governmental organization compound near the UNMISS base, where the number of displaced persons reportedly peaked at 5,000. UNMISS received allegations of violations in connection with the fighting, including looting and the burning of as many as 200 houses. At the end of December, in Yambio, armed men reportedly looted a faith-based organization and assaulted staff, including sexually. An individual claiming to be the head of a group known as the South Sudan People's Patriotic Front acknowledged that undisciplined elements in his forces were responsible and committed himself to bringing them to justice.

42. In Central Equatoria State, UNMISS received reports in November of continued attacks by government forces on displaced persons in Wonduruba Payam, Juba County, following violence that erupted in September between government forces and opposition affiliates. As at the end of January, many were still too scared to return to their homes owing to the presence of a government commando unit, while others had reportedly fled to Juba. Four schools in the area were also reportedly under military use by government forces.

43. There was an increase in human rights violations reported in Western Bahr el-Ghazal State. Early in December, hostilities between government and opposition forces in areas including Farajallah, Bussere, Bazia and Bisellia caused civilians to flee those areas. In mid-December, UNMISS received reports of government forces looting and burning houses in the Momoi area, 13 km south of the town of Wau, causing civilian displacement. Early in January, violence reportedly broke out in a number of locations in Wau County, causing further civilian displacement. UNMISS investigated reports of attacks against the Fertit community in Wau County, including killings, looting and the burning of houses, although it was inhibited by restrictions on access.

44. Freedom of expression continued to come under attack: there were reported threats against newspapers and journalists and human rights defenders were detained. On 9 December, UNMISS obtained information about threats made by police officials against staff of *Beitna*, an Arabic-language newspaper, following the publication of an article criticizing the national police emergency unit. On 22 December, security forces reportedly ordered another Arabic-language daily

newspaper, *El Tabeer*, to cease operations following the publication on 21 December of an article deemed critical of the Government's economic and political record. The security services reportedly detained the journalist responsible for the article on 29 December, and the editor-in-chief announced his resignation on 30 December, alluding to harassment by the National Internal Security Service. In Wau, at the end of November, security services arrested representatives of civil society organizations accused by the state Governor of supporting the opposition, following a civil society press conference at which they had depicted the security situation as appalling. On 8 December, all the detainees were released following advocacy by UNMISS.

45. With regard to human rights in the administration of justice, cases of prolonged, arbitrary and proxy detention, the detention of juveniles and poor prison conditions remained prevalent. The absence of judicial staff remained a problem throughout the country, some counties reportedly having no judges in post for over six months, which resulted in local chiefs adjudicating criminal cases outside their jurisdiction.

46. The Office of the United Nations High Commissioner for Human Rights deployed an assessment team to South Sudan in October, pursuant to Human Rights Council resolution 29/13, to undertake a comprehensive assessment of allegations of violations and abuses of human rights. The team completed its fieldwork and its report is due to be submitted to the Human Rights Council in March 2016.

47. UNMISS continues to emphasize the importance of the monitoring, verification and reporting of the six grave violations against children, in line with the Security Council mandate on children and armed conflict. During the reporting period, 103 incidents (89 verified, 14 unverified) of grave human rights violations affecting at least 3,750 children (1,844 boys, 1,599 girls and 307 children of unknown sex) were reported. Thirty-nine children (23 boys, 11 girls and 5 children of unknown sex) were reportedly killed in 15 armed conflict incidents (13 verified, 2 unverified), the majority of the killings in southern Unity State. Furthermore, 40 incidents of recruitment and use of children by armed groups were reported, affecting 261 children (all boys) throughout the country. Actual numbers of grave violations are likely to be much higher because of underreporting. Despite the ongoing challenges, the United Nations is encouraged by SPLM/A in Opposition's signing on 26 December of an action plan to stop and prevent recruitment and the killing and maiming of children. The plan contains a commitment to release and reintegrate child soldiers.

48. The occurrence of sexual violence increased as the security situation deteriorated in areas previously not affected by conflict, notably in the greater Equatoria region and Western Bahr el-Ghazal State. Instances of rape and gang rape, coupled with beating and abduction, also continued to affect women and girls leaving the Malakal protection of civilians site to collect food or other items, and Unity State, where crimes are allegedly being perpetrated by government soldiers and affiliated militias.

49. On 5 August, South Sudan was selected as a country to pilot an information-sharing protocol between the Gender-based Violence Information Management System and the Monitoring, Analysis and Reporting Arrangements. On 16 December, an addendum to the existing information-sharing protocol was signed, which defined the guiding principles and procedures for sharing anonymous

statistical data on reported cases of gender-based violence, constituting a positive step towards enhancing information collection and reporting on conflict-related sexual violence in South Sudan.

## C. Creating conditions conducive to the delivery of humanitarian assistance

50. Through close collaboration with the Office for the Coordination of Humanitarian Affairs in Juba and local humanitarian partners and representatives in the sectors, UNMISS continued to assess ways to maximize the impact of patrolling and outreach operations, in close coordination with humanitarian agencies, to support the delivery of humanitarian assistance. During the reporting period, UNMISS undertook 3,296 force protection tasks at the request of the humanitarian community to provide security for food drops, road convoys, barge movements and other humanitarian activities.

51. In particular, UNMISS integrated missions and patrols focusing on areas affected by conflict and subsequent displacement. In Unity State, an increased UNMISS presence, including through the creation of a forward operating base in the town of Bentiu, has helped to facilitate the incremental resumption of humanitarian and protection service delivery. The establishment of the UNMISS temporary operating base in Leer County has also supported increased humanitarian access and service delivery. However, there remains a dire need for additional humanitarian and protection services in vulnerable communities in hard-to-reach areas.

52. In Upper Nile State, UNMISS assessed protection needs and prospects for return and reintegration in several areas, including the town of Malakal. In Western Equatoria State, UNMISS patrols and a temporary operating base in Mundri enabled humanitarian partners to undertake an inter-agency rapid needs assessment and deliver humanitarian and protection services. Furthermore, UNMISS, in coordination with humanitarian actors, strengthened engagement with local authorities and communities in response to an influx of displaced persons into Lakes State from Jonglei and Unity States.

53. Since 27 November, the Mine Action Service has played a vital role in emergency response by providing humanitarian aid in southern Unity State, and has embedded a mine action team in Leer to support ongoing humanitarian efforts. In addition, at the request of SPLM/A in Opposition, the Service assessed hazards in Pagak, Upper Nile State.

54. UNMISS, in coordination with humanitarian partners, continued to improve conditions at the protection of civilians sites to alleviate congestion and tensions among displaced communities. In December, UNMISS completed the relocation of 4,221 persons from the Shilluk community within the Malakal site.

## D. Supporting the implementation of the peace agreement

55. In order to support the successful implementation of the peace agreement, the Special Representative, as a formal member of the Joint Monitoring and Evaluation Commission, employed her good offices to accompany and support the political process while the Mission provided concrete support to the institutions of the

transition. Despite the progress reported above (paras. 3-5), implementation is behind schedule, progress being hampered by the inability of the parties to compromise on key issues. The Special Representative regularly convened a forum for international partners and friends of South Sudan ahead of each meeting of the Commission to anticipate issues and align the positions of the international community in support of the work of the Chair of the Commission.

56. Some progress has been made in the establishment and initial functioning of the monitoring mechanisms and institutions of the transition, but it has been slow and constrained by the political impasse caused by fundamental differences between the parties. The presence in Juba of the SPLM/A in Opposition advance team has enabled nascent movement in a number of areas, but huge challenges remain and delays have occurred. Since its formation, the National Constitutional Amendment Committee has been deadlocked, mainly over the issue of the 28 states. On 25 January, the SPLM/A in Opposition constitutional team met its government counterpart, but no agreement has yet been reached. There has been some movement in the Joint Military Ceasefire Commission, which has met three times and whose secretariat is overseeing some progress in the planning for the cantonment of forces and other transitional security arrangements, but there is no indication of major movement towards cantonment. The Board of the Ceasefire and Transitional Security Arrangements Monitoring Mechanism has also met three times and has extended its presence; new teams deployed to Aweil and Yambio in January, with significant UNMISS support.

57. Progress towards the establishment of the joint integrated police has been slow, owing in part to the changes in the national police leadership and the fact that SPLM/A in Opposition personnel have not yet travelled to Juba to engage in detailed planning or identification of officers. UNMISS has provided support, where possible, to sensitization efforts ahead of the deployment of the joint integrated police, but has yet to receive information on training support requirements. As yet, there has been little progress towards the operationalization of the Joint Operations Centre, which is dependent on a functioning joint integrated police. However, the Joint Monitoring and Evaluation Commission has deployed an officer to work with the parties to make the Centre operational.

58. The Board of the Strategic Defence and Security Review held its first meeting on 1 February, at which a workplan covering the period until 30 May 2016 was circulated for comment. Given the late start of the work of the Board, the development of strategies for disarmament, demobilization and reintegration and wider security sector reform has not begun.

## VI. Mission staffing and status of deployment of surge capacity

59. As at 27 January, the actual strength of the UNMISS civilian personnel stood at 2,525, comprising 827 international staff members, 1,279 national staff members and 419 United Nations Volunteers.

60. As at 2 February, the force strength stood at 11,901, consisting of 11,342 troops, with 366 staff officers and 193 military liaison officers. The deployment of two additional Kenyan companies (280 troops) was completed early in December. Full deployment of the Ghanaian battalion (an additional 400 troops under the

previous force level ceiling of 12,500 troops) will be completed late in February or early in March 2016.

61. As at 2 February, the UNMISS police strength stood at 1,178 of the authorized 2,001 police and corrections personnel, including 470 individual police officers, 52 corrections officers and 656 formed police unit personnel. Because of the increase in the authorized police strength, the Mission expects the arrival of 100 additional Ghanaian formed police unit personnel to reinforce the existing Ghanaian formed police unit in Bentiu by mid-February, and 70 additional Rwandan formed police unit personnel to reinforce the existing Rwandan unit, to be deployed in Malakal by late in March. Deployment timelines for the remaining police personnel have yet to be determined.

62. In an effort to implement the provisions of my report on special measures for protection from sexual exploitation and abuse (A/69/779), a dedicated UNMISS task force continued to enforce the zero-tolerance policy. UNMISS provided mandatory training on sexual exploitation, abuse and other prohibited conduct. In addition, UNMISS initiated action to sign a memorandum of understanding with all humanitarian actors residing within UNMISS premises in order to maintain the highest standards of conduct.

63. UNMISS continued to implement measures to enhance the safety of mission air operations. The Mission is implementing a fully integrated risk assessment and flight safety assurance procedure, which requires flight safety assurances for any UNMISS flight operating in an area assessed as at moderate risk or higher. The flight safety assurances are sought from all parties to the conflict. Every month, UNMISS provides a list of information on its aircraft, including aircraft registration numbers, call signs and photographs, to government forces and SPLM/A in Opposition. UNMISS also coordinates with the United Nations Humanitarian Air Service through the Department of Safety and Security to share information and ensure a coherent approach.

## VII. Violations of the status-of-forces agreement, international humanitarian law and security of United Nations staff

64. During the reporting period, UNMISS recorded 69 violations of the status-of-forces agreement, 44 of which were restrictions on movement affecting UNMISS members, associated personnel, premises and equipment and air and land operations. Other violations included demands for UNMISS members or contractors to pay illicit levies or taxes, confiscation of UNMISS property, threats against UNMISS members, protection of civilians sites and air assets, and assault and harassment. Government security agencies committed the most violations, including 45 by government forces, 17 by the national police, 3 by the National Internal Security Service and 5 by local governments. During the same period, two incidents were committed by SPLM/A in Opposition forces relating to the restriction on UNMISS movement and interference with implementation of the UNMISS mandate.

65. In an emerging trend, government officials and security agencies demanded that UNMISS members, associated personnel and contractors pay fees, levies or taxes in exchange for their movement within the country or before services could be rendered. For example, on 3 December, the Northern Bahr el-Ghazal State

government demanded that UNMISS pay 10 per cent of the value of all contracts entered into by the Mission, 10 per cent of profits derived from the sale of assets to UNMISS and 10 per cent of rents paid. On 10 occasions, government security agencies and local officials demanded payment of taxes and bribes in relation to UNMISS-contracted trucks on critical resupply missions. On three different occasions, immigration officers at Juba Airport confiscated the passports of newly arrived UNMISS personnel, including of four UNMISS military officers, which were returned weeks later.

66. A number of incidents posed threats to the lives or physical integrity of UNMISS members and civilians seeking protection in UNMISS premises. On 10 November, in Bentiu, several bullets were fired from a nearby government position into the UNMISS protection of civilians site and UNMISS personnel accommodation. On 13 November, in Leer County, Unity State, three apparently intoxicated government soldiers fired 12 small arms rounds at a UNMISS base and left a rocket-propelled grenade near the base when confronted by UNMISS troops. On 28 November, in Juba, a group of traffic police officers assaulted and injured a UNMISS staff member who had intervened to prevent them from extorting money from another UNMISS staff member.

67. Criminal acts and threats against United Nations personnel and assets included illegal entry into United Nations compounds, theft of assets and armed robbery against an inter-agency convoy on 23 November in Eastern Equatoria State. United Nations premises and assets continue to be regarded by criminals as soft targets for personal economic gain. United Nations staff members were also targeted in incidents of theft and robbery. On several occasions, United Nations personnel and humanitarian workers sustained injuries while responding to incidents of violence or unrest in protection of civilians sites. Weapons of various types, including firearms and grenades, were seized from displaced persons or government security personnel attempting to enter the sites.

68. Four UNMISS national staff members, two of whom were arrested in December 2013, one in October 2014 and one in July 2015, are still in detention. None of them has been charged. During a visit to South Sudan in December, the Under-Secretary-General for Field Support met the Minister for Foreign Affairs to urge for their immediate and unconditional release. UNMISS continues to visit the detained staff members on a regular basis to monitor their well-being.

69. The Mission continues to notify the host Government of these violations through notes verbales and in meetings with relevant officials. A monthly matrix of incidents is also shared with the Government.

## VIII. Financial aspects

70. The General Assembly, by its resolution 69/260 B of 25 June 2015, appropriated the amount of $1,085,769,200 for the maintenance of the Mission for the period from 1 July 2015 to 30 June 2016. As at 28 January 2016, unpaid assessed contributions to the UNMISS Special Account amounted to $640.8 million. Total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $4,337.5 million. Reimbursement of troop and formed police costs has been made for the period to 31 October 2015, while reimbursement of the costs

of contingent-owned equipment has been made for the period to 30 September 2015, in accordance with the quarterly payment schedule.

## IX. Observations and recommendations

71. Following the signing of the Agreement on the Resolution of the Conflict in the Republic of South Sudan in August 2015, the South Sudanese parties have made some progress towards its implementation. In particular, I welcome the return of the delegates of SPLM/A in Opposition and the former political detainees to Juba. I also welcome the inauguration of the Joint Monitoring and Evaluation Commission and other bodies mandated by the peace agreement. These are important milestones in the implementation of the peace agreement. Every effort must be made by all stakeholders to maintain and accelerate the momentum that has been generated. To this end, the UNMISS leadership will continue to exercise my good offices in support of the efforts of the Chair of the Commission, former President Mogae, by encouraging the parties to fulfil their commitments under the peace agreement and by supporting the establishment and operationalization of the institutions of the transition.

72. The current relative calm in the greater Upper Nile region is tenuous and must be consolidated further. In the meantime, rising levels of violence and displacement in other areas, including in Western Equatoria and Western Bahr el-Ghazal States, should be addressed urgently. Further progress towards the implementation of the security mechanisms called for in the peace agreement, such as the Ceasefire and Transitional Security Arrangements Monitoring Mechanism and the Joint Operations Centre, is urgently required, as is the prompt deployment of the joint integrated police in Juba and other major towns.

73. The parties' outstanding grievances need to be addressed in line with the peace agreement, as they relate to the root causes of the crisis. In this regard, the enactment by the President of the 28-state structure continues to be an issue of concern, with the potential to create intercommunal tensions over land and resource allocation. I have repeatedly called upon the President, Salva Kiir, and the former Vice-President, Riek Machar, to resolve the existing differences and establish the Transitional Government of National Unity. This is an essential step in the implementation of the peace agreement and towards laying the foundation for peace and stability. I welcome the calls in the communiqués of the African Union Peace and Security Council and the IGAD Council of Ministers for the establishment of the Transitional Government without further delay and for the formation of a national boundary commission to review the proposed new states. I also welcome the agreement reached among the parties at the meeting of the Joint Monitoring and Evaluation Commission on 2 February to move the implementation of the peace agreement forward and to address the issue of the creation of new states within that framework. It will be of the utmost importance for countries of the African Union and IGAD to help to sustain the political momentum built under the leadership of the Chair of the Commission through concerted political investment in the South Sudan peace process. It is also critical that the Security Council lend its full support and collective voice to the efforts of the Chair to implement the peace agreement.

74. To break the cycle of violence and foster sustainable peace requires justice and accountability. Serious human rights violations and abuses have been committed in

the course of this conflict. The perpetrators of war crimes and possible crimes against humanity must be held to account. In this regard, the United Nations stands ready to lend its technical assistance to the African Union and the Transitional Government of National Unity in the establishment of a hybrid court.

75. The economic situation continues to deteriorate and will be a major factor in the peace process. The introduction of a floating exchange rate alone cannot solve the economic challenges facing South Sudan. To produce long-term economic benefits, the Transitional Government of National Unity will need to introduce additional fiscal and economic reforms to address prevailing issues, such as inflation, corruption and resource management.

76. The humanitarian situation in South Sudan remains dire. More than 2.3 million people have now been displaced by the conflict, while more than 3.9 million across the country face severe food insecurity. I remind the Government that it bears the primary responsibility for facilitating the eventual safe and voluntary return of displaced persons. In the meantime, I call upon donor countries to address the $1.31 billion funding requirement under the 2016 South Sudan humanitarian response plan to assist the victims of the conflict.

77. I strongly condemn the unacceptable access restrictions that peacekeeping and humanitarian personnel continue to face, in addition to physical assault, extortion, harassment, threats and detention. I call upon all parties to guarantee safe, secure, and unrestricted freedom of movement for United Nations and relief personnel throughout South Sudan, and for their full, safe and unhindered access to all those in urgent need of assistance.

78. In view of its new mandate, UNMISS, in close coordination with United Nations and humanitarian partners, will continue to project its presence through proactive deployment and active patrolling to provide physical protection to civilians. The Mission will also continue to ensure the conditions for the delivery of humanitarian and protection services, both within and outside of its protection of civilians sites. These efforts help to foster confidence for the safe and voluntary return and reintegration of displaced communities. I once again call upon troop- and police-contributing countries to hasten the deployment of newly pledged police and military capabilities, including personnel, equipment and other enablers.

79. In my special report on the review of the UNMISS mandate of 23 November 2015 (S/2015/899), I recommended that once the Transitional Government of National Unity has been formed, and the joint integrated police and the Ceasefire and Transitional Security Arrangements Monitoring Mechanism established, an in-depth consultation would be required to clarify the prioritization of their tasks, develop their operational plans and further assess the support needed to scale up their operations. The strategic review of the support requirement for the peace process, undertaken in November 2015 by the Secretariat and UNMISS, was the first phase of a planning process that will need to continue once the transitional institutions have been established. Within six months of the date of adoption of Security Council resolution 2252 (2015), and, it is hoped, three months into the transition, a detailed military and police capability study will be conducted and the Mission will complete the second phase of the review and reassess whether the recommendations in the strategic review still cover the full scope of support required for the transitional security and ceasefire monitoring mechanisms, and

whether protection of civilians responses are appropriate for the new security environment.

80. At this critical juncture, steadfast implementation of the terms of the peace agreement is of the utmost importance. It is vital that South Sudan's regional and international partners act collectively and make the necessary political investment to encourage the parties to remain committed to the agreement. I look forward to even closer coordination between the international partners and friends of South Sudan to ensure unity of purpose in support of the Joint Monitoring and Evaluation Commission and the efforts of its Chair to bring about the successful implementation of the agreement. I welcome the efforts of the African Union High Representative for South Sudan, the former President of Mali, Alpha Oumar Konaré, which complement those of the Chair of the Commission. I encourage the African Union to enhance its engagement with the Commission. The road ahead is far from easy. South Sudan's leaders will have to make tough compromises to ensure swift progress towards peace. The United Nations will continue to stand shoulder-to-shoulder with IGAD, the African Union and international partners in support of this goal. The people of South Sudan deserve nothing less.

81. Lastly, I wish to convey my sincere appreciation for the unwavering commitment of UNMISS personnel, under the able leadership of my Special Representative, Ellen Margrethe Løj. Their efforts to stabilize the security situation and support the implementation of the peace agreement are commendable. In particular, I thank the troop- and police-contributing countries that provide the uniformed personnel and assets essential for the protection of civilians. I further commend the United Nations country team and non-governmental organization partners for their courage and commitment to providing much-needed humanitarian assistance, often in perilous circumstances.

UNMISS
February 2016
SOUTH SUDAN
SUDAN
SOUTH SUDAN
ETHIOPIA
KENYA
UGANDA
CENTRAL AFRICAN REPUBLIC
DEM. REP. OF THE CONGO
National capital
State (wilayah) capital
Town
Major airport
International boundary
UNMISS operational northern limit*
State (wilayah) boundary
Sector boundary
Abyei region**
Main road
Railroad
* Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
** Final status of the Abyei area is not yet determined.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 4458 Rev. 39 UNITED NATIONS
February 2016 (Colour)
Department of Field Support
Geospatial Information Section (formerly Cartographic Section)